

## Notes For 40 CFR 257 Equivalency

On October 26, 2016 Georgia's Department of Natural Resources Board adopted new Rules to incorporate federal standards for disposal of coal combustion residuals. The federal standards were adopted by reference in their entirety with one exception noted below. Specifically, Georgia Rule 391-3-4-.10 (1) (c) states that "Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments 40 CFR 257.60 through 257.107, effective on October 19, 2015 are hereby incorporated and adopted by reference with the following exception: 1. 40 CFR 257.104 Paragraph (a)(3) is excluded.

The excluded federal rule states that " An owner or operator of an inactive CCR surface impoundment that elects to close a CCR unit pursuant to the requirements under §257.100(b) **is not subject to** (emphasis added) the post-closure care criteria under this section."

Georgia Rule 391-3-4-.10(7)(g) does not relieve inactive CCR surface impoundments of the requirements for post-closure care.

Georgia Rule 391-3-4-.10(7)(g) states that:

" Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions:

1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) **is subject to** (emphasis added) the post-closure care criteria in 40 CFR 257.104.
2. CCR units must comply with the conditions of the solid waste handling permit."

In completing the attached rule alignment spreadsheets, we adopted following the practices:

1. We referenced the most applicable state rule. For example, all parts of 257.60 – 257.64 were specifically adopted by reference in Rule 391-3-4-.10(3)(a).
2. If there was no specific state rule aligning with the federal requirement, we referenced our rule adopting 40 CFR 257.60 through 257.107 in its entirety, Georgia Rule 391-3-4-.10(1)(c).
3. Recordkeeping, notification, and publicly accessible internet requirements of 257.105, 257.106, and 257.107 respectively were often redundantly repeated in other sections of the federal CCR requirements. In our spreadsheet, we only point to our adoption of these sections in Georgia Rule 391-3-4-.10(8)(a).
4. State rules that add additional requirements to specific sections of 40 CFR 257 are highlighted. Additional state rules that have no corresponding rule in 40 CFR 257 (for example, permits and financial assurance) are not shown in the spreadsheet.